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Letter dated 31 July 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to article 12 bis, paragraph 2, of the statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994, which reads:

> In the event of a vacancy in the Chambers amongst the permanent judges elected or appointed in accordance with this article, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of article 12 of the present Statute, for the remainder of the term of office concerned.

In this connection, I wish to inform you that Judge Sergei Alekseevich Egorov (Russian Federation) has resigned.

The Government of the Russian Federation has nominated Professor Bakhtiyar Tuzmukhamedov to replace Judge Egorov. The curriculum vitae of Professor Bakhtiyar Tuzmukhamedov is attached (see annex).*

It is my view that Professor Tuzmukhamedov meets the qualifications that are prescribed in article 12 of the statute of the International Tribunal.

I should also recall that, in resolution 1878 (2009) adopted on 7 July 2009, the Security Council decided that, notwithstanding article 11, paragraph 2, of the statute of the International Tribunal, and on an exceptional basis, Judge Egorov, once replaced as a member of the International Tribunal, should complete the cases which he began before his resignation.

In accordance with article 12 bis, paragraph 2, of the statute of the International Tribunal, I look forward to receiving your views on the appointment of Professor Tuzmukhamedov as a permanent judge of the International Tribunal.

(*Signed*) **Ban** Ki-moon

* The annex is being circulated in the language of submission only.

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Annex

Bakhtiyar Tuzmukhamedov (Russian Federation)

Born 30 March 1955

Professional career

1992-current. Counsellor of the Court, Constitutional Court of the Russian Federation. *Previous positions held at the Constitutional Court*: Senior Adviser, Head of Section, Counsellor of the Department of International Law, acting Head of the Department of International Law (on leave for the duration of graduate studies at Harvard Law School and for the duration of the United Nations field mission assignment)

1984-current. Professor of International Law, Diplomatic Academy, Moscow (part-time since 1992). *Previous positions held at the Diplomatic Academy*: Research Fellow, Senior Research Fellow, Associate Professor of International Law

1977-1984. Research Fellow, Law of the Sea Division, Institute of Merchant Marine (on leave for the duration of post-graduate studies)

Education

1993-1994. LL.M. candidate, Harvard Law School

1979-1982. Study and research for the degree of Candidate of Juridical Science, Moscow Institute of International Relations

1972-1977. Basic legal education, Moscow Institute of International Relations

Membership in professional associations

Vice-President of the Russian Association of International Law

Expert Board, PIR-Center (security and non-proliferation research)

International Law Association, formerly co-rapporteur of the ILA Committee on Arms Control and Disarmament Law (Committee mandate completed)

International Consortium — Forum on Challenges of Peace Operations

Other related activities

Deputy Editor-in-Chief, Moscow Journal of International Law

Member of the Editorial Board, International Review of the Red Cross

Member of the Advisory Board, International Law in Domestic Courts

Adviser, United Nations Special Committee on Peacekeeping Operations (2009)

Member of the group of government and academic experts for the International Committee of the Red Cross study of customary norms of international humanitarian law (study published in 2005)

Civil Affairs Officer, United Nations Protection Force (UNPROFOR)/United Nations Peace Forces (UNPF) in the former Yugoslavia (1994/95)

Member of the United Nations Institute for Disarmament Research study group on maritime confidence-building (study published in 1993)

Adviser, United Nations Ad Hoc Committee on the Indian Ocean (1987)

Recent publications in English

Scattered Reflections on the International Law in the Russian Legal Landscape, in *Regards d'une génération de juristes sur le droit international*, Paris, 2008, pp. 413-429.

The End of Contractual Disarmament? *Peace in Liberty Festschrift für Michel Bothe zum 70. Geburtstag*, Baden-Baden, Nomos Verlag, 2008, pp. 333-338.

Preemption of Trans-boundary Terrorist Threats: The Russian Perspective. *International Law Studies*, vol. 83, Newport, RI, 2007, pp. 83-95.

Keeping Pace with the Times? *Austrian Review of International and European Law*, vol. 8 (2003), 2005, pp. 205-209.

The ICC and Russian Constitutional Problems. *Journal of International Criminal Justice*, No. 3, 2005, pp. 621-626.

Maintaining the ABM Treaty regime by multiple actors: Options for the post-USSR space. *Crisis Management and Humanitarian Protection. Festschrift für Dieter Fleck*, Berliner Wissenschafts-Verlag GmbH, 2004, pp. 593-610.

The implementation of international humanitarian law in the Russian Federation. *International Review of the Red Cross*, vol. 85, No. 850, 2003, pp. 385-396.

Russian Federation: the Pendulum of Powers and Accountability, in *Democratic Accountability and the Use of Force in International Law*, Cambridge University Press, 2002, pp. 257-279.

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The Role of the Russian Constitutional Court in Protecting the Rights of Active Duty and Retired Servicemen. *The Air Force Law Review*, vol. 52, 2002, pp. 81-92.

Russian Forces in the Commonwealth of Independent States. *The Handbook of the Law of Visiting Forces*, Oxford University Press, 2001, pp. 417-441.

The Legal Framework of CIS Peace Operations. *International Peacekeeping*, vol. 6, No. 1, 2000, pp. 1-6.